

**REMARKS****I. Status of the Claims:**

Claims 1-36 are currently pending.

By this Amendment, claim 1 has been amended, and new claims 37-39 have been added. No new matter has been introduced by this Amendment.

Upon entry of this Amendment, claims 1-39 would be pending.

**II. Rejection under 35 USC § 103:**

Claims 1-18, 21-25, 31-32 and 34 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Doi et al. (US 2001/0014911, hereinafter Doi) in view of Lunsford et al. (USPN 6,982,962, hereinafter Lunsford). Claim 20 is rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Doi in view of Lunsford and further in view of Carothers et al. (US 2002/0069117, hereinafter Carothers). Claim 33 is rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Doi in view of Lunsford and further in view of Rajchel et al. (USPN 6,496,931, hereinafter Rajchel). Claim 29 is rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Doi in view of Lunsford and further in view of Owen et al. (USPN 6,611,501, hereinafter Owen). The Applicants respectfully traverse these rejections, for the following reasons set forth below.

**1. CLAIM 1:**

Claim 1, as amended, is directed to an arrangement involving recognizing one or more service opportunities of a service operator on a user device operated by a user; determining a privacy level at which communications is conducted with the service operator relating to the one or more service opportunities of the service operator; and conducting the communications

with the service operator at the privacy level, wherein the recognizing occurs before the determining and the conducting.

In claim 1, the claimed recognizing, determining and conducting are performed with respect to the same service operator or in the context of a service opportunity of the same service operator.

On the contrary, Doi as relied upon by the Examiner describes a system in which a user through a mobile terminal is able to obtain services, such as a user non-identification or identification service, from a service provider across a network connection via the Internet. See Doi, Fig. 11. In operation, the mobile terminal sends a service request to the already known service provider (and its services) across the wireless network 18, gateway 19 and Internet 20. Thus, the mobile terminal 10 does not perform any recognizing of one or more service opportunities of the location dependent service provider or such recognizing occurring before the determining and conducting operations. The Examiner has acknowledged that these features are not taught by Doi. The Examiner, however, relies on Lunsford as remedying the deficiencies in the Doi teachings.

The Applicants respectfully submit that Lunsford does not remedy the deficiencies in the Doi teachings. Lunsford is directed to a system and method for selecting a network access provider using a portable information device (PID). In Lunsford, the PID is able to select a network access provider, manually or automatically, to establish a network connection. That is, Lunsford simply deals with establishing network connection and does not deal with services available across the connection (e.g., Internet) such as in Doi or the recognition of such services. As such, Lunsford would not remedy the deficiencies of the Doi. One of ordinary skill in the art would not combine the teachings of Doi and Lunsford in the

manner suggested by the Examiner, and there is simply no motivation provided to combine them in such a manner.

Furthermore, even assuming that the teaching of Doi and Lunsford may be combined, the resulting combination would not disclose or suggest the claimed combination of claim 1. Instead, if combined, the resulting system or method at best would simply allow the mobile terminal of Doi to be able to select a network access or network access provider (as taught in Lunsford) to access the Internet and thereafter through the selected network access send a service request to the already known service provider (and its services) across the Internet. The resulting combination would still not disclose or suggest the claimed recognizing operation or the operations of the recognizing, determining and conducting being performed with respect to the same service operator or simply the claimed combination as a whole.

In view of the foregoing, claim 1 and its dependent claims are believed to be distinguishable over the cited references, individually or in combination.

## **2. CLAIM 34**

Independent claim 34 is directed to a method involving recognizing one or more service opportunities of a service operator on a user device operated by a user; determining a privacy level at which communications is conducted with the service operator relating to the one or more service opportunities on the user device; determining a profile access level on the user device; transmitting the profile access level to the service operator; and enabling the service operator to obtain a subset of profile information of the user from the profile operator according to the profile access level. The recognizing occurs before the determining a privacy level, the determining a profile access level, the transmitting and the enabling.

For similar reasons as discussed above for claim 1, claim 34 and its dependent claims are also believed to be distinguishable over the cited references, individually or in combination.

### **3. DEPENDENT CLAIM 36**

Claim 36 is a dependent claim that is further directed to the user device controlling what information is sent from the device according to the privacy level. That is, as claimed, the user device controls what information is actually or is to be sent from the device.

On the contrary, the Examiner's assertion that the user controls what information the service provider "receives" still does not address control over what information (e.g., static profile, dynamic profile) is "sent from" the device, as claimed. As described in Doi, the wireless gateway 19 receives User ID, static profile and dynamic profile and selectively provides this information to the servers based on the communication control information table. See Doi, paras [0062]-[0063]. Accordingly, Doi also does not disclose or suggest that the user device controls what information is sent from the device according to the privacy level. The Office Action still does not adequately address the language of this claim and has not addressed Applicants' prior remarks.

Accordingly, dependent claim 36 is further distinguishable over the cited references, individually or in combination.

**4. DEPENDENT CLAIMS 6, 7, 8 and 9**

Dependent claim 6 is further directed to allowing the service provider to obtain access to a subset of profile information of the user according to the service category obtained in the recognizing operation.

Doi as noted above and acknowledged by the Examiner does not disclose or suggest the claimed recognizing feature. Lunsford is directed to a system and method for selecting a network access provider using a portable information device (PID), and is silent as to the claimed service category (obtained in the recognizing operation) to which access to a subset of user profile information is based upon.

Accordingly, dependent claim 6 and claims 7-9 are further distinguishable over the cited references, individually or in combination.

**CONCLUSION**

Based on the foregoing amendments and remarks, the Applicants respectfully request reconsideration and withdrawal of the rejection of claims and allowance of this application.

**AUTHORIZATION**

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4500, Order No. 4208-4007.

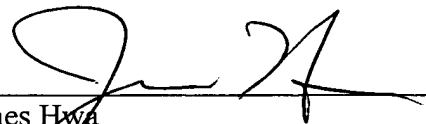
In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 4208-4007.

Respectfully submitted,  
MORGAN & FINNEGAN, L.L.P.

Dated: \_\_\_\_\_

5/10/06

By: \_\_\_\_\_



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